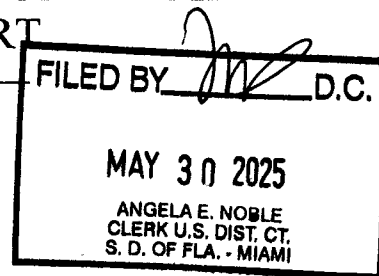


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT for the FLORIDA



Gerardo Hermes Rosero
Petitioner

v.

Case No. 1:18-CR-20750-DPG(z)
(Supplied by Clerk of Court)

United States of America
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Gerardo Hermes Rosero
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: FCI-Miami Low
(b) Address: P.O. Box 779800
Miami, FL 33177
(c) Your identification number: BOP # 57668-510
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Southern District
of Florida
(b) Docket number of criminal case: 1:18-CR-20750-DPG(z)
(c) Date of sentencing: 09-05-2024
☐ Being held on an immigration charge
☐ Other (explain): N/A
N/A
N/A

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings

☒ Other (explain): I was projected to be release as elderly offender
as 05-21-2025, I served 59.2 percentage as 10-16-2024
see attach documentation

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FCI-miami Low Unit manager for
B-Unit and Unit team

(b) Docket number, case number, or opinion number: See current computation No. 010

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The unit Manager took all the earned credits and
push my release time back and I ask her for update
Computation sheet to send it to the Counselor of Colombia "denied"

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: BOP's Unit manager

(2) Date of filing: March 19-2025

(3) Docket number, case number, or opinion number: BP-08 never respond

(4) Result: Refusing to respond or update computation sheet

(5) Date of result: April 23-2025

(6) Issues raised: Requesting the two thirds of elderly offender

First step Act credits and Second Chance Act credits.

Copy update of Computation Sheet

"Unit Manager" refuse to provide and through me
out of her office

(b) If you answered "No," explain why you did not appeal: N/A

N/A

N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A
- N/A
- N/A
- N/A
- N/A
- N/A
- N/A

(b) If you answered "No," explain why you did not file a second appeal: The unit team refuse to take any paper or even provided a phone call to the Counselor of Colombia on April 23, 2025

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: N/A
- (2) Date of filing: N/A
- (3) Docket number, case number, or opinion number: N/A
- (4) Result: N/A
- (5) Date of result: N/A
- (6) Issues raised: N/A
- N/A
- N/A
- N/A
- N/A
- N/A

(b) If you answered "No," explain why you did not file a third appeal: The unit team refuse to provide any assistance or help regarding to any credits or calculation of earned credits

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court: N/A
(2) Case number: N/A
(3) Date of filing: N/A
(4) Result: N/A
(5) Date of result: N/A
(6) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: I accept full responsibility of my crime
in which I already paid for my incarceration.

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes ☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: N/A
(b) Date of the removal or reinstatement order: N/A
(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Date of filing: N/A
 (2) Case number: N/A
 (3) Result: N/A
 (4) Date of result: N/A
 (5) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☒ No

If "Yes," provide:

- (1) Name of court: N/A
 (2) Date of filing: N/A
 (3) Case number: N/A
 (4) Result: N/A
 (5) Date of result: N/A
 (6) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes ☒ No

If "Yes," provide:

- (a) Kind of petition, motion, or application: N/A
 (b) Name of the authority, agency, or court: N/A
N/A
 (c) Date of filing: N/A
 (d) Docket number, case number, or opinion number: N/A
 (e) Result: N/A
 (f) Date of result: N/A
 (g) Issues raised: N/A
N/A
N/A
N/A
N/A
N/A

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Violation of Due process

(a) Supporting facts (Be brief. Do not cite cases or law.):

I request from Unit Manager to make the calculation of my time that I serve in order to applied for Elderly Offender two thirds in which was projected for 05-21-2025

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: Violation of Equal Protection of law

(a) Supporting facts (Be brief. Do not cite cases or law.):

The denial of provide the update of the Computation sheet to send it to the Counselor of Colombia in order to help me process the proper calculation for the release of Elderly Offender as the correct way that was dictated on 10-16-2024. See attach Computation Sheet.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: Violation of Due process of The 5Th Amendment

(a) Supporting facts (Be brief. Do not cite cases or law.):

The Unit Manager refuse to apply and calculate the earned credits of the First Step Act and Second Chance Act.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

GROUND FOUR: Violation of Protection of Equal Protection
of law of the 14th Amendment that was warrantee by
the extradition of treated between U.S. and Colombia

(a) Supporting facts (Be brief. Do not cite cases or law.):

I earned the Credits that Changes in law and Sentencing
Commissioner grant to the federal inmates that is warrantee
to non-violent inmates and inmates that programing
"Rehabilitation"

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

N/A

N/A

N/A

Request for Relief

15. State exactly what you want the court to do: To order to calculate and apply the
calculation to petitioner as Elderly Offender as was calculate
on 10-16-2024 in which at this point petitioner already passed
the two thirds, serving over 5 years and plus. To Grant the release
of petitioner as earned by law.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

May 26, 2025

Herman Rose

Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any

Gerardo Hermes Rosero

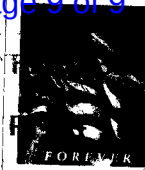
BOP # 57668-510

Federal Correctional Institution

P.O. Box 779800

Miami, FL 33177

27 M



Court Clerk

U.S. District Court for the Southern
District of Florida

Wilkie D. Ferguson, Jr., U.S. Courthouse

400 North Miami Avenue, Room 8

Miami, FL 33128

33128-771899

RECEIVED Rec'D	BY _____ D.C.
MAY 30 2025	
ANGELA E. NOBLE CLERK U.S. DIST. CT. S. D. OF FLA. - MIAMI	